

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:11-CV-129**

**JOSEPH SAVITSKIE, individually and on
behalf of all persons similarly situated,**

Plaintiff,

v.

ZENTA MORTGAGE SERVICES LLC,

Defendant.

PLAINTIFF'S UNOPPOSED MOTION TO SUBSTITUTE NAMED PLAINTIFF

Pursuant to Federal Rules of Civil Procedure 21 and 25, Plaintiff's counsel, on behalf of Estate Administrator R. Michael Allen and Opt-In Plaintiff Denise Diane Crawford, respectfully move this Court to substitute Mr. Allen for the late Mr. Savitskie and to substitute Ms. Crawford as the Named Plaintiff in this case.

This motion is necessitated by Mr. Savitskie's passing on November 22, 2011. Mr. Allen was appointed as administrator of Mr. Savitskie's estate on January 19, 2012, and has retained the undersigned counsel to continue to prosecute the claim on behalf of Mr. Savitskie's estate. Substitution of Ms. Crawford will permit the proposed Opt-In Class to be represented by an individual who worked as an employee at Zenta Mortgage Services LLC (as opposed to the Administrator of Mr. Savitskie's estate). Defendant does not object to Plaintiff's Motion.

In support of this motion, Plaintiff's counsel submits the accompanying memorandum of law and exhibits. A proposed form of order is attached.

Dated: February 15, 2012

Respectfully submitted,

BERGER & MONTAGUE, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **PLAINTIFF'S UNOPPOSED MOTION TO SUBSTITUTE NAMED PLAINTIFF** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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Dated: February 15, 2012

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